



City of New York
Department of Environmental Protection
Bureau of Engineering Design & Construction

MONTHLY PROGRESS REPORT

April 2017

(March 17 to April 17)

for

Administrative Settlement Agreement and Order
for Remedial Design, Removal Action and Cost Recovery
(Index No. CERCLA-02-2016-2003)

and

Administrative Order for Remedial Design
(Index No. CERCLA-02-2014-2019)

Dated: April 17, 2017

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1.0 NYC Gowanus Superfund Program Status Update

1.1 Red Hook CSO Facility

The City of New York (City) and the United States Environmental Protection Agency (EPA) entered into an Administrative Settlement Agreement and Order for Remedial Design, Removal Action and Cost Recovery (Index No. CERCLA-02-2016-2003) (Settlement Agreement), which became effective June 9, 2016. The Settlement Agreement provides that the City shall complete the Remedial Design (RD) for the Red Hook Combined Sewer Overflow (CSO) retention tank, which was selected as a component of the remedial action for the Gowanus Canal Superfund Site in EPA's September 27, 2013 Record of Decision (ROD). The RD of this CSO Tank, designated the "RH-034 Tank," was previously a requirement of an EPA Administrative Order issued May 28, 2014 (Index Number CERCLA-02-2014-2019) (RD UAO). A summary of the Settlement Agreement milestones and the status of each is set forth below, followed by a narrative description of work performed and anticipated and related issues.

Milestone Description	Deadline	Status
<i>Commence Environmental Impact Statement (EIS)</i>	<i>April 1, 2016</i>	<i>Completed</i>
<i>Issue Draft EIS/Certify ULURP</i>	<i>October 1, 2017</i>	<i>In Progress</i>
<i>Complete ULURP</i>	<i>May 1, 2018</i>	
<i>File Petition to Condemn</i>	<i>June 16, 2018</i>	
<i>Acquire Title</i>	<i>24 months after File Petition to Condemn or April 30, 2020, whichever is earlier</i>	
<i>Complete CP-1 Design Package</i>	<i>June 30, 2017</i>	<i>In Progress</i>
<i>Complete CP-02 Design Package</i>	<i>April 30, 2019</i>	<i>In Progress</i>
<i>Complete CP-03 Design Package</i>	<i>September 30, 2019</i>	<i>In Progress</i>
<i>Issue Notice to Proceed (NTP) to Contractor for CP-1</i>	<i>Not later than five months after acquisition of Parcels VI and VII, but in any event not later than May 1, 2020</i>	
<i>Mobilize for CP-1</i>	<i>Not later than 60 days after CP-1 NTP or 60 days after acquisition of Parcels VI and VII, whichever is later</i>	
<i>Complete CP-1 Construction</i>	<i>No later than 10 months after commencement</i>	
<i>Commence procurement to perform a response action at Parcels VI and VII within the footprint of the RH-034 Tank and any associated conduit areas</i>	<i>No later than the date on which National Grid commences response action on Parcels VI and VII outside the RH-034 Tank footprint</i>	
<i>Complete procurement for response action contractor</i>	<i>Within 12 months of commencement</i>	
<i>Perform a response action at Parcels VI and VII within the footprint of the RH-034 Tank and any associated conduit areas</i>	<i>Issue NTP within 30 days of completed National Grid response action; or within 30 days of completion of procurement, whichever is later</i>	
<i>Complete response action construction</i>	<i>Within 24 months of NTP</i>	

TABLE 1 - RED HOOK CSO FACILITY - MILESTONE STATUS SUMMARY

Work Performed Last Period

- DEP continued preparation of preliminary City Environmental Quality Review (CEQR) documentation for the RH-034 Tank Designs.
- DEP continued to coordinate with other City Agencies for property acquisition.
- DEP continued to communicate and coordinate with the City Department of Parks and Recreation and with private property owners to advance CP-1 and CP-2 pre-design investigation activities.
- DEP continued its preparation of technical memoranda and conducted internal technical workshops to progress the facility planning and design.
- DEP submitted the Draft Pre-Design Investigation (PDI) Work Plan to EPA on November 18, 2016. EPA provided comments on this Plan on March 6, 2017. DEP submitted responses to EPA's comments on April 14, 2017.
- DEP distributed a Draft Scoping Document for the Gowanus Canal CSO Facilities Project EIS on April 4, 2017 for public review and comment.
- DEP submitted the Draft Treatability Study Work Plan to EPA on April 14, 2017.

Field Activity

- DEP completed PDI work at Parcel II and has returned to Parcel VI to install groundwater monitoring wells and soil vapor sampling points.
- DEP continued air monitoring near the RH-034 PDI investigation work.

Analytical Data

- Received preliminary data from geotechnical and PDI investigation at Parcels II, VI and VII.

Anticipated Progress Next Period

DEP will:

- Continue preparation of preliminary CEQR documentation for the RH-034 Tank, analyze traffic and noise data, and continue development of the Draft EIS.
- Continue to coordinate with other City Agencies and property owners on property acquisition and access.
- Continue preparation of technical memoranda and conduct internal technical workshops to progress the facility planning and design.
- Continue to coordinate with National Grid to complete their PDI work at Parcel VII.
- Provide an update on design progress at the Community Advisory Group monthly meeting on April 25, 2017.
- Hold a public meeting to record public comments related to the Draft Scoping Document for the Project EIS on May 4th, 2017.

Issues Encountered or Resolved and Efforts to Mitigate Delays

Below is a list of issues encountered during the design, including unresolved technical issues that could impede progress and potentially delay the schedule for the RH-034 Tank RD. If left unresolved, these

issues could have a significant impact on the project schedule. A description of each issue, potential schedule impacts, efforts to mitigate delays and recommendations for resolution are provided below.

- **Sequencing of National Grid Response Action**

The Settlement Agreement specifies work to be performed by National Grid, including but not limited to performing a Response Action at Parcels VI and VII outside the footprint of the tank. However, National Grid is not yet under an Order to perform this work, and DEP's work could be delayed if National Grid does not perform their work in coordination with DEP's schedule. While there is an existing draft Order for National Grid, DEP has identified several provisions of the draft order that are not consistent with the Settlement Agreement. If the draft Order for National Grid is executed, inconsistencies between a potential Order to National Grid and the Settlement Agreement would bring about significant coordination and sequencing challenges causing delays in the design and implementation of a Response Action at Parcels VI and VII.

- **Scope and Design for Response Action**

Understanding the nature and extent of contamination at the site will allow DEP and EPA to perform CEQR, develop the EIS, establish subsurface conditions for geotechnical design, evaluate treatment technologies and design the response action for excavation within the footprint of the tank. These detailed design criteria cannot be established until that data is made available to DEP. This data must be produced in time to meet the scheduled mandated by the Settlement Agreement. The collection of this data is beyond DEP's control, as this activity is required to be undertaken by National Grid.

To further the data collection effort, DEC has directed National Grid to prepare and implement a PDI Work Plan for the RH-034 tank site (Parcels VI and VII). National Grid has completed their PDI Work as outlined in the Plan for Parcel VI. At Parcel VII, National Grid was unable to complete the PDI Work. The owner needs to grant access for National Grid to complete the remaining work.

DEP is proceeding with the design based on existing data and data forthcoming from the work completed at Parcels II and VI, but failure to complete the work at Parcel VII by August could result in delays to the environmental review and design schedule.

- **Coordination with Design of Cut-off Wall**

At the July 20, 2016 technical workshop, EPA directed DEP to proceed with design of the RH-034 Tank assuming a 50-ft setback from the existing Canal bulkhead. DEP is advancing the design to the extent possible based on this direction. Future changes in the setback distance or other unanticipated design changes will impact the design schedule. In addition, engineering analyses will need to be performed as soon as a final cut-off wall design is established by DEC and/or EPA to ensure coordination between the design of the support of excavation, underground structures and aboveground features with the cut-off wall.

1.2 Owl's Head CSO Facility

The design of the Owl's Head CSO Facility, designated the "OH-007 Tank," is a requirement of the RD UAO. The UAO requires the City to complete the RD for the Owl's Head CSO retention tank, which was selected as a component of the remedial action set forth in the ROD. A narrative description of work performed and anticipated and related issues is set forth below.

Work Performed Last Period

- DEP continued preparation of technical memoranda and conducted internal technical workshops

to progress the facility planning.

- DEP submitted the Draft PDI Work Plan that defines the scope and methodology for activities needed to characterize soil and/or groundwater within the footprint of the OH-007 Tank to EPA on April 14, 2017.
- DEP submitted the Draft Geotechnical Investigation Work Plan that defines the scope and methodology for activities needed to progress the facility planning of the OH-007 Tank and design the bulkhead replacement to EPA on April 14, 2017.
- DEP continued preparation of preliminary CEQR documentation and distributed a Draft Scoping Document for the Gowanus Canal CSO Facilities Project EIS on April 4, 2017 for public review and comment.
- DEP continued to coordinate with DSNY for access to the property to perform pre-design investigation activities.
- DEP reached out to private property owners to obtain access for pre-design investigation activities.

Field Activity

- DEP performed surveys at the OH-007 site.

Analytical Data

No data analysis performed this period.

Anticipated Progress Next Period

DEP will:

- Continue to coordinate with DSNY and private property owners for access to perform facility planning and design activities.
- Commence PDI work, surveys and bulkhead investigation at DSNY property.
- Continue to draft work plans, technical memoranda, and conduct internal technical workshops as part of the facility planning process.
- Receive comments from EPA on draft Preliminary Geotechnical Investigation and PDI Work Plans.

Issues Encountered or Resolved and Efforts to Mitigate Delays

Below is a list of issues encountered during the design, including unresolved technical issues that could impede progress and potentially delay the schedule for the OH-007 Tank RD. If left unresolved, these issues could have a significant impact on the project schedule. A description of the issue, potential schedule impacts, efforts to mitigate delays and recommendations for resolution are provided below.

- **Unilateral Administrative Order Remedial Design Completion Date**

The Administrative Order for Remedial Design, Appendix B – Tank and Turning Basin Statement of Work, Section V, states that the Remedial Design of the Retention Tanks and associated infrastructure in the vicinity of the RH-034 and OH-007 CSO outfalls shall be completed no later than three (3) years from the Effective Date of the Order.

In 2016, DEP and EPA set new design milestones specifically for the Remedial Design at the

RH-034 outfall in the Administrative Settlement Agreement and Order for Remedial Design, Removal Action and Cost Recovery. DEP and EPA have not negotiated achievable milestones for the Remedial Design at the OH-007 outfall. As indicated to EPA on multiple occasions, DEP will not meet the milestone date for the OH-007 outfall set forth in Appendix B of the Unilateral Order.

DEP provided a proposed schedule for the Remedial Design at OH-007 to EPA in the Preliminary Remedial Design Work Plan (PRDR) submitted on June 30, 2015. DEP continues to proceed on the path set forth in the schedule proposed in the PRDR.

- **Access to Private Property for Pre-Demolition Surveys**

DEP is attempting to gain access to the private properties at OH-4. Unrestricted access will allow DEP to gather data to inform CP-1 design, develop an accurate cost estimate, schedule and bid package.

Failure to gain access will require DEP to make conservative assumptions about the layout, materials and characteristics of the buildings and operations on the properties in order to progress the CP-1 design.

DEP will utilize access to the adjacent City owned property to limit data gaps. DEP will continue to attempt to reach these owners to gain access.

1.3 Carroll Street High Level Storm Sewer Pilot and Monitoring Program

DEP will conduct a stormwater treatment pilot and monitoring program in connection with the Phase I Carroll Street High Level Storm Sewer Separation (HLSS) project at the Gowanus Canal. This program includes installation of two hydrodynamic separator units, evaluation of alternative treatment technologies, sampling and data collection, flow monitoring, data analysis, and reporting. It also includes similar sampling and data collection, flow monitoring, data analysis, and reporting for three vortex units installed at the Lightstone development, also known as 363-365 Bond Street.

Work Performed Last Period

- New York City Department of Design and Construction (DDC) and DEP continued design efforts for the pilot vortex separator units.
- DEP continued to coordinate with DDC to produce final design documents and issue a change order to the HLSS contractor.

Field Activity

- DDC's contractor continued construction work on the HLSS project, including relocation of water mains and installation of the new sewer.

Analytical Data

- No data analysis performed this period.

Anticipated Progress Next Period

DEP will:

- DEP will continue to coordinate with DDC to modify the construction contract and review submittals for the contractor to perform this work.

Issues Encountered and Efforts to Mitigate Delays

At this time, there are no significant technical issues that could impede progress and potentially delay the schedule for implementation of the stormwater treatment pilot and monitoring program.

1.4 First Street Turning Basin Restoration Design

The design of the restoration of the former First Street Turning Basin is a requirement of the RD UAO. This design was selected as a component of the remedial action set forth in the ROD. A narrative description of work performed and anticipated and related issues is set forth below.

Work Performed Last Period

- DDC has sent out draft site access agreements to three property owners, PMG, Powerhouse, and Dewey Perone.
- DDC prepared individual work plans for field activities and submitted to EPA for review and comments via DEP.
- DDC has received comments on several work plans and is addressing them.
- DDC prepared draft minutes of the Technical Workshop.
- DDC has continued to evaluate EPA's schedule improvement suggestions.

Field Activity

- No field activity this period.

Analytical Data

- No data collected this period.

Anticipated Progress Next Period

- Send out revised work plans to EPA.
- Receive approval on work plans by EPA.
- Proceed with multi-beam sounding survey during the week of April 24, 2017.

Issues Encountered and Efforts to Mitigate Delays

At this time, there are no outstanding technical issues that could impede progress and potentially delay the schedule for implementation of the former First Street Turning Basin Restoration design.

1.5 Pilot Sponge Park

DEP has installed a Pilot Sponge Park at the intersection of 2nd St. and the Canal. The pilot project is intended to divert and filter surface water runoff and create a publicly accessible open space. A narrative description of work performed and anticipated and related issues is set forth below.

Work Performed Last Period

- DEP's Monitoring Team has prepared to start implementation of the Performance Monitoring Program.

Field Activity

- No field activity this period.

Analytical Data

- No data collected this period.

Anticipated Progress Next Period

- DEP and their Monitoring Team will prepare for and commence the Sponge Park performance monitoring effort.

Issues Encountered and Efforts to Mitigate Delays

None.

1.6 In-Canal Remedial Design

Participation as a work party in the In-Canal Remedial Design is a requirement of the RD UAO. This design was selected as a component of the remedial action set forth in the ROD. The City continues to participate as a Work Party in the In-Canal Remedial Design and to coordinate potential remedial design interfaces with City property such as bridges, bulkheads and the 1st Street Turning Basin. A separate detailed monthly report for this work is issued by National Grid on behalf of the work parties.